

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEVEN ROLAN,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
BRYAN GORDY, <i>Warden</i> ,	)	
	)	
Respondent.	)	Civil Action No. 3:20-CV-3162-C-BN

**ORDER**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Petitioner's habeas petition, construed as being brought under 28 U.S.C. § 2241, should be dismissed without prejudice to Petitioner's right to pursue available state court remedies.<sup>1</sup>

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Petitioner's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is


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<sup>1</sup> Petitioner filed objections to the Magistrate Judge's Findings, Conclusions, and Recommendation on October 30, 2020. *See* Doc. 10.

therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Petitioner's habeas petition, construed as being brought under 28 U.S.C. § 2241, is **DISMISSED** without prejudice. All relief not expressly granted herein is **DENIED**.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability is **DENIED**. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation in support of its finding that Petitioner has failed to show that a reasonable jurist would find: (1) this Court's "assessment of the constitutional claims debatable or wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED this 2<sup>nd</sup> day of November, 2020.



SAM R. CUMMINGS  
SENIOR UNITED STATES DISTRICT JUDGE